

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

**Cathy Bloomquist,**  
Petitioner-Appellant,

**v.**

**Black Hawk County Board of Review,**  
Respondent-Appellee.

**ORDER**

**Docket No. 11-07-1533**  
**Parcel No. 8912-34-476-009**

On April 8, 2013, the above-captioned appeal came on for hearing before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. Petitioner-Appellant Cathy Bloomquist was self-represented. Assistant County Attorney Dave Mason is counsel for the Board of Review and represented it at hearing. The Appeal Board now having examined the entire record, heard the testimony, and being fully advised, finds:

***Findings of Fact***

Cathy Bloomquist, owner of property located at 6145 Lafayette Road, Raymond, Iowa appeals from the Black Hawk County Board of Review decision reassessing her property. The real estate was classified residential on the January 1, 2011, assessment and valued at \$187,410, representing \$41,640 in land value and \$145,770 in improvement value.

According to the property record card, the subject property is a 4.32-acre site where Bloomquist constructed a new home. Construction began in 2010 and the dwelling was partially complete on January 1, 2011.

The dwelling is a one-story, frame home with 2044 total square feet of living area with a full, unfinished basement and a 651 square-foot attached garage. It also has a 49 square-foot open porch. The dwelling has a high quality construction grade (2-10) and is in normal condition.

Bloomquist protested to the Black Hawk Board of Review on the ground the property was assessed for more than authorized by law under Iowa Code section 441.37(1)(a)(2). She asserted the correct total value was \$30,000, which she assigned to the site only. She also claimed the property is not assessable, is exempt from taxes or is misclassified under section 441.37(1)(a)(3). She asserted the home was not habitable as of the assessment date. It had “no heat, no water, nothing in or hooked up.” The Board of Review denied her protest.

Bloomquist appealed to this Board reasserting her claims.

Bloomquist testified the home construction began in 2010 and the dwelling was uninhabitable until November 2011. She stated it was an empty shell. Bloomquist testified the property sits in a 100-year flood plain and is susceptible to flooding. Essentially, because the improvements were not 100% complete, she does not believe they contributed to the subject property’s value as of January 1, 2011.

Bloomquist testified a fully livable home across the street was assessed at \$193,000, roughly \$5500 more than the subject. On cross-examination, she stated the home was built in 1996. Essentially she believes that because the subject property is uninhabitable, its assessment should not be equivalent to the fully habitable home across the street. However, Bloomquist did not provide any evidence of the neighboring property and therefore, we are unable to determine if it is sufficiently similar to her property for comparison. Additionally, there is no evidence in the record indicating this neighboring property recently sold. Based on the value of the neighboring property, Bloomquist believes the subject’s improvement value should be “closer to \$100,000.”

Black Hawk Deputy Assessor TJ Koenigsfeld testified that even though the subject property was only partially completed at the time of the assessment, it still had value and is subject to assessment. Koenigsfeld reported the assessor’s office is required to use the IOWA REAL PROPERTY APPRAISAL MANUAL, which values property on a cost basis. He referenced a worksheet in the MANUAL (page 7-

81) assessors use to allocate cost on a partially completed home. Koenigsfeld testified that as of January 1, 2011 the subject's improvements included a foundation, basement floor, stairs, rough plumbing, floor, exterior walls, roof, insulation, windows, and doors. He stated that using the calculations in the MANUAL, the subject's improvements were 69% complete when the assessor's office inspected the property. He rounded the percentage down to 60% completion in an effort to give every benefit to the property owner.

We find Bloomquist failed to prove by the preponderance of the evidence the subject property is over-assessed, or that the property was not assessable as of January 1, 2011.

### ***Conclusion of Law***

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. This Board is an agency and the provisions of the Administrative Procedure Act apply. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review, but considers only those grounds presented to or considered by the Board of Review. §§ 441.37A(3)(a); 441.37A(1)(b). New or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption the assessed value is correct. § 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). Market value essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If

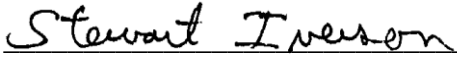
sales are not available to determine market value then “other factors,” such as income and/or cost, may be considered. § 441.21(2). The property’s assessed value shall be one hundred percent of its actual value. § 441.21(1)(a).

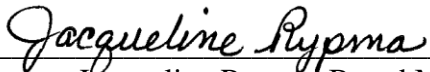
In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(2), the taxpayer must show: 1) the assessment is excessive and 2) the subject property’s correct value. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995). Bloomquist asserts the subject’s improvements had no value as of January 1, 2011, because the home was uninhabitable. Although the improvements may not have been 100% complete as of the assessment date, the incomplete improvements still had value and were subject to assessment. § 427A.1(1) (stating that buildings, structures, and improvements shall be assessed and taxed as real property). Ultimately, Bloomquist has not provided sufficient evidence of the subject property’s correct fair market value, such as an appraisal or recent sales of comparable properties, and therefore fails in her claim of over-assessment. Additionally, she did not provide support for her claim that the uninhabitable subject property was exempt from taxation or was not assessable.

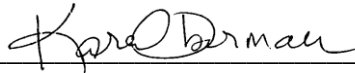
Therefore, we determine the subject property’s assessed value as of January 1, 2011, is \$187,410, representing \$41,640 in land value and \$145,770 in dwelling value.

THE APPEAL BOARD ORDERS the January 1, 2011, assessment as determined by the Black Hawk County Board of Review is affirmed.

Dated this 6th day of May, 2013.

  
Stewart Iverson, Presiding Officer

  
Jacqueline Rypma, Board Member

  
Karen Oberman, Board Member


Copies to:  
Cathy Bloomquist  
1530 Bertch Ave.  
Waterloo, IA 50702  
APPELLANT

David J. Mason  
3265 W 4th Street  
Waterloo, IA 50701  
ATTORNEY FOR APPELLEE

Certificate of Service

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on May 6, 2013.

By: ☒ U.S. Mail ☐ FAX  
☐ Hand Delivered ☐ Overnight Courier  
☐ Certified Mail ☐ Other

  
Signature\_\_\_\_\_